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Viewing cable 10PANAMA7, Supreme Court Turnover Consolidates Presidential Power

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Reference ID	Created	Released	Classification	Origin
10PANAMA7	2010-01-19 19:01	2011-08-30 01:44	CONFIDENTIAL	Embassy Panama

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SUBJECT: Supreme Court Turnover Consolidates Presidential Power

REF: 09 PANAMA 907

CLASSIFIED BY: Stephenson, Ambassador; REASON: 1.4(B), (D)

¶1. (C) On January 4 the Supreme Court elected longtime member Anibal Salas as president and chose recent appointee and former drug prosecutor Jose Almengor as president of the court's criminal chamber. Salas won six votes for president, including those of Alberto Cigarruista and Winston Spadafora, his fellow appointees from the Moscoso administration. Almengor, Alejandro Moncada, PRD appointee Victor Benavides and Salas himself joined Cigarruista and Spadafora in voting Salas in. The three judges that post deems to be relatively uncorrupt, including previous court president Harley Mitchell, abstained from the vote.

¶ 2. (C) The turnover drama was highlighted by Salas' appointment of Zaira de Latorraca as his chief staffer after the National Assembly rejected her last month as an alternate judge for Moncada (ref A). PRD Deputy Mickey Aleman, a close friend of Almengor's, told polcouns that after Latorraca was rejected, Almengor instructed her to sit tight, because she would be taken care of. Aleman also related that an inebriated President Ricardo Martinelli was publicly overheard saying that he had made a big mistake by naming Alejandro Moncada. It appears that he may have chose Moncada out of spite towards the Panamenista Party members in the ruling coalition who had strenuously objected to Martinelli's first choice, former PRD member and current Electoral Tribunal magistrate Gerardo Solis.

13. (U) The following is an organization chart of the Supreme Court. There are four chambers, called "salas" in Spanish:

Civil Court:

**Justice Alberto Cigarruista, President
by former President Moscoso** Appointed

Justice OydC)n Ortega
Appointed by former President Torrijos

Justice Harley Mitchell
Appointed by former President Torrijos

Penal Court:

Justice JosC) Abel Almengor, President Appointed by
current President Martinelli

Justice JerC3nimo MejC-a
Appointed by former President Torrijos

Justice Anibal Salas
Appointed by former President Moscoso

Administrative Court:

Justice Winston Spadafora, President
by former President Moscoso Appointed

Justice Alejandro Moncada Luna
Appointed by current President Martinelli

Justice Victor Benavides
Appointed by former President Torrijos

General Matters Court
Composed of the Presidents of the other three courts.

¶4. (U) The Supreme Court has nine magistrates, appointed to ten-year terms. Every two years, two judges are replaced, staggering the tenure of the justices. Salas has been a member of the court for eight years and will serve a two-year term as president, where his main authority rests with his ability to set the agenda for the weekly full plenary sessions of the court. Apart from the weekly plenaries, which are held to address cases with constitutional implications, the court is divided into four three-judge chambers, three of which hear cases according to type; civil, criminal, or administrative. A fourth chamber is composed of the presidents of each of the first three and is dedicated to internal court matters and licensing for attorneys. It is in these chambers that the bulk of the court's work occurs, hearing cases which have no bearing on constitutional law but which are not resolved by Panama's lower courts. In addition to normal duties, the court retains two powers with wide ramifications for Panama's government; it has sole authority to remove and try legislators, and it controls appointments to the courts immediately underneath it. These lower courts, in turn, control appointments beneath them, creating a cascade of judicial power from the top levels of government.

¶6. Comment: President Martinelli now controls the executive, legislative and judicial branches of government, and civil society and the media are up in arms. Septel will detail the latest developments in Martinelli's quest to rein in the Attorney General's office, the last remaining independent government institution.

GILMOUR